

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

**IN RE: POLK COUNTY DISTRICT
ASSOCIATE JUDGE ASSIGNMENTS
FOR 2015**

ADMINISTRATIVE ORDER 2014-45

To fully utilize Fifth Judicial District judicial resources and to promote the ideal of efficient court administration within the Fifth Judicial District:

IT IS SO ORDERED:

1. The provisions of this Order provide for and establish the assignment of judicial duties and responsibilities of all Fifth Judicial District Associate Judges in Polk County for calendar year 2015.

2. District Associate Judges are assigned to attend to and preside over all judicial matters and proceedings authorized by statute, including mental health, within the county of their residence and elsewhere in the Fifth Judicial District as assigned by the Chief Judge.

3. Judicial duties and responsibilities of the eleven Polk County District Associate Judges, for purposes of assignment and administration are divided into thirteen (13) benches occupying courtrooms and chambers as indicated:

Criminal #1	Courtroom 202A
Criminal #2	Courtroom 109
Criminal #3	Courtroom 211
Criminal #4	Jail Courtroom
Criminal #5	Courtroom 102
Juvenile Court	Courtroom 108
Juvenile Court	Courtroom 112
Juvenile Court	Courtroom 202B
Juvenile Court	Courtroom 315
Juvenile Court	Courtroom 206
Juvenile Court	Courtroom 209B
Trials/ Coverage/SC Appeals	Courtroom 101
Trials/Coverage/SC Appeals	Courtroom 110

4. Judges assigned to criminal and trials shall be on rotating six-month terms. Assignments for 2015 are set forth in Exhibit "A" attached hereto. Judge assignments in future years shall be made pursuant to the assignment grid attached hereto as Exhibit "B." District Associate Judges shall at all times be available to attend to and preside over cases within their jurisdiction even when not within their specific assignments.

5. The District Associate Judge assigned to courtroom 101 designated as the Trial Judge shall conduct criminal and civil trials and other proceedings within the jurisdiction of the Associate District Court. The District Associate Judge assigned to courtroom 101 shall also assist with small claims appeals. The District Associate Judge assigned to courtroom 110 shall also cover criminal trials and be assigned small claims appeals pursuant to Iowa Code Section 631.13 and civil actions for money judgment when the amount in controversy does not exceed \$10,000.00 as assigned by Court Administration. Both of these judges shall serve as a judicial resource for coverage and other matters as assigned by Court Administration. The criminal courtrooms shall be scheduled as follows:

A. Criminal No. 1 Room 202A. DA01 (Driving Offense Court).

Case Assignment. All out-of-custody arraignments, pretrials, pleas, sentencings, simple jury demand pre-trial conferences, motion hearings, civil mental health commitment hearings for out-of-custody defendants, and all other proceedings (except trials) in OWI (including OWI 3rd), LUR and DWB cases. No trials.

Scheduling.

1. DAJ Case Coordinator schedules all the 1st pretrial conferences, jury trials and 1st pretrial conferences on simple jury trial (including traffic matters). Judge and/or Court Attendant/Judicial Assistant schedules continuances, 2nd pretrials, status conferences, trials, pleas, and sentencings, including continuances of jury trials. Court Attendant/Judicial Assistant schedules bond forfeiture hearings.

2. For in person and written initial appearances, the Clerk of Court shall prepare the Hearing for Initial Appearance Form for the Judge in Jail Court and 202A. The Judge shall then complete and file the Order for the in-person initial appearances. The Court Attendant/Judicial Assistant shall complete and file, for the Judge, the Hearing for Initial Appearance form for all written appearances. DAJ Case Coordinator schedules motions that require a hearing and checks for evaluation and finger print order on arraignments.

DAJ Case Coordinator and/or Court Attendant/Judicial Assistant shall schedule all trials within the Time Standards for Case Processing of Chapter 23 of the Iowa Court Rules unless otherwise ordered by the Court.

202A Schedule

Monday	8:00-9:00	OWI arraignments
	8:30-12:00	OWI pleas and sentencings
	1:30 -2:30	Initial appearances
	2:30-4:30	OWI pleas and sentencings
	2:30-4:30	Last Monday of the month – Bond forfeiture hearings
Tuesday	9:00-12:00	Motions
	1:30-2:30	Initial appearances
	2:30-4:30	Motions
Wednesday	8:00-9:00	LUR AND DWB arraignments
	9:30 -12:00	LUR AND DWB pretrials, pleas and sentencings
	1:30-2:30	Initial appearances
	2:30-4:30	Motions
Thursday	8:00-9:00	OWI arraignments
	9:00-12:00	OWI pretrials
	1:30-2:30	Initial appearances
	2:30-4:30	OWI pretrials
Friday	8:00-9:00	Status Conferences (If not covered by 110 or 101 judge)
	9:00-12:00	Motions
	1:30-2:30	Initial appearances
	2:30-4:30	Motions

B. Criminal No. 2, Room 109. DA02 (Indictable Court).

Case Assignment. All out of custody, arraignments, pretrials, pleas, sentencings, VNCO hearings, motion hearings, bond forfeitures and all related proceedings in indictable misdemeanor cases and Class D felony domestic abuse cases. No trials. Civil mental health commitment hearings for out-of-custody defendants on this caseload.

Scheduling.

1. DAJ Case Coordinator schedules all the 1st pretrial conferences and trials. Judge and/or Court Attendant/Judicial Assistant schedules continuances, 2nd pretrials, status conferences, pleas, and sentencings, including continuances of jury trials. Court Attendant and/or Judicial Assistant schedules bond forfeiture hearings and modification of no contact order hearings.

2. DAJ Case Coordinator and/or Court Attendant/Judicial Assistant shall schedule all trials within the Time Standards for Case Processing of Chapter 23 of the Iowa Court Rules unless otherwise ordered by the Court. The Clerk of Court will schedule arraignment dates

originating from jail court, and the Court Attendant/Judicial Assistant in 202A will schedule out of custody arraignments for 109 and 202A on calendar 2011. The DAJ Case Coordinator shall prepare, for the Judge, the Order Following Arraignment for all arraignments including written arraignments. The DAJ Case Coordinator shall also schedule motions that require a hearing and checks for substance abuse evaluation and fingerprint order on arraignments.

109 Schedule

Monday	8:00-12:00	Arraignments, PTC, pleas and sentencings
	1:30-4:30	Violation NCO-All Simple Misdemeanors
	2:30	Last Monday of the month bond forfeiture hearings Including Class D felony domestic abuse cases
Tuesday	8:00-9:00	Arraignments – (Dom. Abuse cases only)
	9:00-12:00	PTC on Domestic only (Pleas/Sentencings)
	1:30-4:30	Motions
Wednesday	8:00-12:00	Arraignments-pleas and sentencings
	1:30-2:30	Violation NCO Hearings – including Class D Domestic Abuse cases
	2:30-4:30	Modification of no contact orders-indictable and Class D Domestic Abuse cases
Thursday	8:00-9:00	Arraignments – Drug charges
	9:00-12:00	PTC on misdemeanor drug cases-no felony cases (Pleas/Sentencings)
	1:30-4:30	Status Conferences and/or Motions
Friday	8:00-9:00	Arraignments – All other charges
	9:00-12:00	PTC on all other indictable case & Pleas/Sentencings
	1:30-4:30	Motions

C. Criminal No. 3, Room 211. DA03 (Supervisory/Probation Court)

Case Assignment. Indictable and Class D felony probation revocation proceedings for OWI 3rd and Domestic Abuse 3rd; no contact order violation hearings other than domestic assault cases; all fine collection, restitution and payment plans under \$10,000.00; preliminary hearings; forfeiture and seized property hearings under \$5,000.00; formal bond reviews on indictables. No trials. The judge shall also sign all misdemeanor Trial Informations and fresh warrants.

Scheduling. The Clerk of Court on duty in the morning hours will schedule all these matters that originate in Jail Court during initial appearances. Jail Case Coordinator will schedule all these matters that originate in Jail Court in the afternoon Court session. The matters that are continued or originally scheduled for out-of-custody defendants shall be

scheduled by the Court Attendant/Judicial Assistant assigned to this court.

211 Schedule

Monday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Out of custody probation hearings
Tuesday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Evidentiary probation hearings (indictables) for in and out of custody defendants
Wednesday	8:00-9:00	Preliminary Hearings
	9:30-12:00	Out of custody probation hearings
	1:30-4:30	Contempt hearings & VNCO hearings
Thursday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Out of custody probation hearings
Friday	8:00-9:00	Preliminary Hearings
	9:00-12:00	Seized property scheduling conferences
	2:00-4:30	Seized property hearings

D. Criminal No. 4. Jail Court. DA04

Case Assignment. In custody felony and indictable misdemeanor arraignments, initial appearances, indictable misdemeanor and D felony pleas & sentencings (OWI 3rd and Domestic Abuse only), hearings on in-custody probation revocations on indictables. No out-of-custody hearings. Civil mental health commitment hearings for in-custody defendants.

Scheduling. The Clerk of Court on duty in the morning hours will schedule all matters that originate in Jail Court during initial appearances to appropriate calendars. The Jail Case Coordinator will schedule all matters that originate in Jail Court in the afternoon Court session. All matters that are to be scheduled in Jail Court shall be done through the Jail Court Case Coordinator or other Case Coordinators on approved scheduling orders.

Jail Court Schedule

Monday thru Friday : 8:00 – 10:30- Initial Appearance

10:30- 11:00 Felony Arraignments

11:00-12:00 PV Hearings / PTC/ Competency Hearings

1:30-2:00 Expedited Arraignments

E. Criminal No. 5, Room 102. DA05 (Simple Misdemeanor/Traffic Court)

Case Assignment. Initial Appearances on traffic cases, LUS cases, and simple misdemeanors which are not associated with an indictable misdemeanor, all non-jury trials involving traffic cases and simple misdemeanors and pre-trial conferences on state and city of Des Moines charges, including domestic abuse.

Scheduling. Initial appearances are scheduled by the Clerk of Court . Pre-trials and trials are scheduled by the Court Attendant/Judicial Assistant in Room 102, Jail Court, Room 202A and Room 109. Court Attendant/Judicial Assistant prepares the Order entering judgment on failure to appear cases for unscheduled violations.

Pre-trial Conferences. All pre-trial conferences on simple misdemeanor and traffic cases shall be conducted in courtroom 102 and shall not be conducted in the vending areas or any other area of the courthouse that is not a designated courtroom.

102 Schedule

Monday	8:30	Initial Appearances
	9:30	State Traffic Trials
	10:00	State Simple Trials
	1:00	Initial Appearances
	2:00	Highway Patrol Traffic Trials
Tuesday	8:30	Initial Appearances
	9:30	Simple Pretrials on State charges every 15 min.
	10:00	1 st Tuesday of the month, any contempt hearings/bond forfeiture
	1:00	Initial Appearances
	2:00	City Traffic Trials
Wednesday	8:30	Initial Appearances
	9:30	State Traffic Trials
	10:00	State Simple Trials
	1:00	Initial Appearances
	2:00	City Traffic Trials
Thursday	8:30	Initial Appearances
	9:30	State Traffic Trials
	10:00	City and State Simple Trials
	1:00	Initial Appearances
	2:00	City and State Traffic Trials
Friday	8:30	Initial Appearances
	9:30	Polk County Sheriff Traffic/DOT/DNR Trials
	10:00	State Simple Trials
	1:00	Initial Appearances

2:00 Overflow motions from 202A

F. Calendar 2011. This calendar is used to schedule indictable misdemeanor arraignments for courtroom 202A and 109, and out of custody initial appearances. The Jail Clerk of Court on duty in the morning hours will schedule all matters that originate in Jail Court during initial appearances. The Jail Case Coordinator will schedule all matters that originate in Jail Court in the afternoon Court session. The 202A Court Attendant/Judicial Assistant will schedule arraignments from out-of-custody initial appearances and written appearances. ???

G. Assignment of Class D felony matters to District Court.

a) District Court Criminal No. 1 (DCC1). Class D felony in custody pleas, sentencings, and probation revocation proceedings (not including felony domestic abuse, OWI 3rd and drug offenses) are assigned to Room 204. In custody arraignments shall remain in jail court. DCC1 judge shall sign all Trial Informations that have an FE number.

b) District Court Drug Docket (DCC4). Class D felony drug in custody pleas, sentencings, and probation revocation proceedings are assigned to Room 207.

c) Probation Revocation Proceedings. Upon the filing of a Report of Violations regarding felony offenders, the Department of Correctional Services shall review the case for expedited disposition. Violations that cannot be resolved shall be scheduled for pre-trial conference within seven (7) days for felonies other than domestic abuse and OWI 3rd in Room 204 or Room 207. All other probation violations shall be scheduled in Room 211. The probation officer assigned to the case shall appear for the pre-trial with authority to resolve the violation. These pre-trial conferences shall be meaningful events. Violations that cannot be resolved at the pre-trial shall be scheduled for evidentiary hearing at the earliest possible date.

H. Coverage/Trials/Small Claims Appeals/First Round Domestic Abuse Protective Orders, Rooms 101 and 110. Judges assigned to Room 101 and 110 shall provide coverage to the other District Associate Criminal Courts as necessary, and shall serve as back-up coverage for first round domestic abuse cases from the district court Family Law courtrooms (412 and 413) as assigned by Court Administration. If neither of the judges assigned to Rooms 101 or 110 are available, first round domestic abuse cases shall be handled by the judge assigned to courtroom 211, and then to any other district associate court judge available in Polk County as assigned by Court Administration. All jury trial and trial date pleas are to be scheduled for

Courtroom 101. The DAJ Case Coordinator, shall assign all misdemeanors and Class D felony (OWI3rd and Domestic Abuse D felony case only) trials to the 101 and 110 judges to the extent of their availability. The DAJ Case Coordinator shall next call the judge assigned to traffic in Room 102 for misdemeanor trials whenever a magistrate is available to cover traffic in Room 102. The DAJ Case Coordinator shall also utilize senior judges whenever they are available. If these judges are not available, the DAJ Case Coordinator shall contact the Felony Case Coordinator to assign the district judges in Room 209A and 208 as the next call for Class D felony and indictable misdemeanor trials. When these judicial resources are unavailable, the DAJ Case Coordinator may call the Civil Case Coordinator to assign misdemeanor and Class D felony trials, to the district judges of the Polk County General Trial Assignment or the rural judges.

The Civil Division of the Polk County Clerk of Court shall assign all small claims appeals from the decisions of Polk County Magistrates to the Room 110 judge. The Room 110 judge may share small claims appeals with the Room 101 judge on an equitable basis depending upon the availability of that trial judge.

The Civil Case Coordinator may assign civil trials involving an amount in controversy of \$10,000.00 or less to the Room 101 and 110 judges on a case by case basis depending on their availability. However, coverage and criminal matters shall take priority.

6. Cynthia Moisan shall serve as Presiding District Associate Judge for 2015. The Presiding District Associate Judge shall in consultation with the Chief Judge and District Court Administrator develop and implement a regimen for the District Associate Judges, Polk County Judicial Magistrate, and Senior District Associate Judges consistent with the general assignment herein established, to the end that District Associate Court officers, personnel and resources are fully utilized.

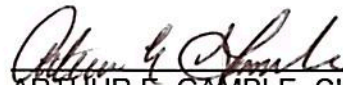
7. The duties and responsibilities of District Associate Criminal #4 assigned to the Court facilities located in the Polk County Jail shall be all inclusive of a District Associate Judge's authority and jurisdiction in criminal matters. District Associate Criminal #4 shall expedite judicial proceedings of all persons incarcerated in the Polk County Jail. Judicial proceedings within the jurisdiction and assignment of the District Associate Court involving incarcerated persons shall without exception be held at the Polk County Jail unless due to statute, rule, procedural due process or other legal reason the judicial proceeding must take place in the Polk County Courthouse. Felony arraignments of in-custody defendants shall be conducted by a District Associate Judge in the jail courtroom. Preliminary hearings of in-custody defendants shall be conducted in Room 211. All mail originating from incarcerated persons in the Polk

County Jail addressed to the Court or Clerk of Court shall be attended to by District Associate Criminal #4. Such mail addressed to a named Judge shall be attended to by the named Judge.

8. The Court Administrator and Clerk of Court shall assist the Presiding District Associate Judge and District Associate Judges in complying with this Order and achieving the objectives thereof.

9. District Associate Court Judges of Election Districts 5A and 5B shall be assigned to cover Polk County District Associate Court from time to time as necessary. Likewise, District Associate Court Judges of Election District 5C, Polk County, shall be assigned to cover District Associate Court in 5A and 5B as needed.

DATED this 14th day of October, 2014.


ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
Chief Justice Mark Cady, Iowa Supreme Court
Liaison Justice David Wiggins, Iowa Supreme Court
State Court Administrator, David Boyd
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
Posting on Judicial Branch Website

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POLK COUNTY, IA.
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CLERK DISTRICT COURT

**2015 POLK DISTRICT ASSOCIATE JUDGE ROTATION
EXHIBIT "A" to Administrative Order 2014-45**

ASSIGNMENT	Jan., 2015 THRU 2015	July 10, 2015 THRU 2015	July 13, 2015 THRU 2016	Jan., 2016 THRU 2016	June, 2016
Criminal # 1 (Drivers Court) Courtroom 202A	Brandt	Coppola	McGhee		
Criminal #2 (Indictables) Courtroom 109	Egly	Price	Brandt		
Criminal #3 (Probation) Courtroom 211	1/12-3/13 – Cobb 3/16-5/15 – Holwerda 5/18-7/10 - Franklin	Brandt	Coppola		
Criminal #4 Jail	Birkenholz	Moisan	Egly		
Criminal #5 Courtroom 102 (Traffic-Simple Misd.)	McGhee	Birkenholz	Moisan		
Juvenile Courtroom 108	Belcher	Belcher	Belcher		
Juvenile Courtroom 202B	Seymour	Seymour	Seymour		
Juvenile Courtroom 112	Jacobs	Jacobs	Jacobs		
Juvenile Courtroom 315	Witt	Witt	Witt		
Juvenile Courtroom 206	Seidlin	Seidlin	Seidlin		
Juvenile Courtroom 209B	Price	Price	Cox		
Trial Judge Room 101	Moisan	Egly	Price		
Civil Courtroom 110	Coppola	McGhee	Birkenholz		

Administrative Order 2014-45

Exhibit "B"

DATES	7-14	1-15	7-15	1-16	7-16	1-17	7-17	1-18	7-18
Criminal 1 Rm. 202A	RURAL	GB	CC	OM	JB	CM	CE	WP	GB
Criminal 3 Rm. 211	CE	RURAL	GB	CC	OM	JB	CM	CE	WP
Criminal 2 Room 109	CM	CE	WP	GB	CC	OM	JB	CM	CE
Trials Room 101	JB	CM	CE	WP	GB	CC	OM	JB	CM
Criminal 4 Jail	OM	JB	CM	CE	WP	GB	CC	OM	JB
Criminal 5 Room 102	CC	OM	JB	CM	CE	WP	GB	CC	OM
Civil Room 110	GB	CC	OM	JB	CM	CE	WP	GB	CC
Juvenile	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB
Juvenile	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ
Juvenile	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS
Juvenile	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS	Ctrm 206 JS
Juvenile	Ctrm 209B WP	Ctrm 209B WP	Ctrm 209B SC	Ctrm 209B SC	Ctrm 209B SC	Ctrm 209B SC	Ctrm 209B SC	Ctrm 209B SC	Ctrm 209B SC
Juvenile	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW

CC = C. Coppola SC = S. Cox CE = C. Egly CM = C. Moisan GB = G. Brandt JB = J. Birkenholz JS = J. Seidlin
 RB = R. Belcher RS = R. Seymour LJ = L. Jacobs OM = O. McGhee WP = W. Price CW = C. Witt